

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|----------------|---|--------------------|
| Applicant      | : | Basol et al.       |
| Appl. No.      | : | 09/960,236         |
| Filed          | : | September 20, 2001 |
| For            | : | MASK PLATE DESIGN  |
| Examiner       | : | Zheng, Lois L.     |
| Group Art Unit | : | 1742               |

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE****Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Statement of Reasons for Allowance mailed with the Notice of Allowance on October 29, 2006, please enter the following comments:

**Priority**

The Examiner has noted that the "instant invention does not benefit from the filing date of the provisional application 60/272,791, which is 1 march 2001, since the original disclosure filed with the provisional application 60/272,191 does not provide full support for the original disclosure of the instant non-provisional application." Although such priority is unnecessary for allowance of the claims in this application, Applicants do not acquiesce in this finding and respectfully submit that priority must be determined on a claim-by-claim basis.

**Reasons for Allowance**

In the Examiner's statement of reasons for allowance ("Statement"), the Examiner has listed certain elements which are neither taught nor suggested by the prior art of record. The Examiner's remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. The

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Examiner's statement of reasons for allowance is the personal opinion of the Examiner as to why the claims are allowable, and should not create an estoppel with respect to future claim construction. See MPEP 1302.14.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 26, 2007

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AMEND

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